

THE HONORABLE JAMAL N. WHITEHEAD

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE VALVE ANTITRUST LITIGATION

No. 2:21-cv-00563-JNW

**DECLARATION OF BLAKE MARKS-
DIAS IN SUPPORT OF VALVE
CORPORATION'S UNOPPOSED
MOTION TO SEAL MATERIALS
ASSOCIATED WITH VALVE'S REPLY
IN SUPPORT OF ITS *DAUBERT*
MOTION**

Blake Marks-Dias states and declares as follows:

1. I am over 18 years of age, I have personal knowledge of the matters stated herein and I am competent to testify to these matters.
2. I am one of the attorneys representing Defendant Valve Corporation ("Valve"), and I make this Declaration in support of Valve Corporation's Motion to Seal.
3. Valve moves to maintain under seal certain highly confidential, proprietary,

DECL. OF BLAKE MARKS-DIAS IN SUPPORT OF VALVE
CORPORATION'S UNOPPOSED MOTION TO SEAL – 1
CASE NO. 2:21-cv-00563-JNW

CORR CRONIN LLP
1015 Second Avenue, Floor 10
Seattle, Washington 98104-1001
Tel (206) 625-8600
Fax (206) 625-0900

1 commercially sensitive, and personally identifiable information (“PII”) in documents about Valve
 2 and third parties (the “Sealed Documents”). Specifically, Valve requests that the Court find
 3 compelling reasons for maintaining the following documents under seal:

4 (1) The unredacted version of Valve’s Reply in Support of its Motion to Exclude
 5 Testimony of Steven Schwartz, Ph.D. (Dkt. 337);

6 (2) The unredacted version of the Reply Expert Report of Ashley Langer, Ph.D.
 7 (Exhibit 34, Dkt. 338-1).

8 4. Attached to this declaration are Valve’s proposed redactions for the documents
 9 listed in Paragraph 3 (**filed under seal**). Valve’s proposed redactions are highlighted in yellow for
 10 ease of reference, similar to the Court’s highlighting in Dkt. Nos. 237 and 237-1 and in Valve’s prior
 11 submissions.

12 5. The information Valve had previously sought to seal in prior motions to seal fall
 13 into these general categories: (1) Valve financial information and accounting practices; (2) third-
 14 party financial information; (3) third-party proprietary business information, including information
 15 that implicates or reveals third parties’ business, pricing or marketing strategies; (4) Steam
 16 Distribution Agreements (“SDAs”) between Valve and Steam Partners and communications about
 17 them; (5) revenue sharing between Valve and Steam Partners; (6) Valve confidential internal
 18 strategy, analysis and information, including information regarding matters not alleged to be anti-
 19 competitive, the data Valve collects and how Valve keeps it, and analysis of competitors and
 20 competition; (7) personally identifiable information (“PII”); (8) data purchased from third-party data
 21 vendors solely for use in this litigation; and (9) calculations of alleged market share and market size.
 22 The information Valve seeks to seal in this Motion to Seal fall under one or more of categories (2),
 23 (3), (5), (6), (7), and (9).

24 6. Valve takes care to shield Valve’s and third parties’ confidential information from
 25

1 public disclosure, including the information in the Sealed Documents. The steps that Valve takes to
 2 protect this information is described in the sealed May 10, 2024 Declaration of Scott Lynch in
 3 support of Valve’s Motion to Seal Plaintiffs’ Motion for Class Certification and Supporting Exhibits
 4 (Dkt. 226) (“May Lynch Decl.”), ¶¶ 20–33.

5 7. Public disclosure of the information in the Sealed Documents would result in
 6 significant competitive and economic harm to Valve and third parties, including Steam Partners and
 7 Steam users. *See id.* ¶¶ 34–43, 57–58, 73–102, 105–121.

8 8. **Third-Party Financial Information:** Valve seeks to seal portions of documents
 9 that contain confidential and proprietary third-party financial information. Consistent with the
 10 Court’s prior guidance, Valve seeks sealing and redaction of only the numbers and percentages and
 11 third-party identifying information (e.g., company and game names) necessary to anonymize such
 12 information. The documents and references that contain the information that Valve seeks to seal are
 13 attached to my declaration as **Appendix B.**¹

14 9. **Third-Party Proprietary Business Information:** Valve seeks to seal portions of
 15 documents that contain third-party proprietary business information, including information that
 16 implicates or reveals third-parties’ business, pricing or marketing strategies. Consistent with the
 17 Court’s prior guidance, Valve seeks sealing and redaction of only identifying information necessary
 18 to anonymize the third party and protect its confidentiality. The documents and references that
 19 contain the information that Valve seeks to seal are attached to my declaration as **Appendix C.**
 20
 21

22 ¹ In prior submissions, Valve has categorized the information to be sealed and provided pincites
 23 corresponding to Appendices A through I. The Sealed Documents in this motion do not contain
 24 confidential information to be sealed that correspond to Valve Financial Information (Appendix A),
 25 Steam Partner Contracts and Communication (Appendix D), or Data Purchased from Third Party
 Vendors (Appendix H). In order to maintain consistency with prior filings, however, Valve omits those
 categories but maintains the labels on the remaining Appendices.

1 10. **Steam Revenue Share Information:** Valve seeks to seal portions of documents
2 that contain confidential information regarding revenue share rates and splits between Valve and
3 Steam Partners. Consistent with the Court's prior guidance, Valve seeks sealing and redaction of
4 specific numbers and percentages necessary to preserve confidentiality of this information. The
5 documents and references that contain the information that Valve seeks to seal are attached to my
6 declaration as **Appendix E**.

7 11. **Valve Confidential Internal Strategy, Analysis, and Information:** Valve seeks
8 to seal portions of documents that contain confidential internal strategy, analysis, and information,
9 including (i) matters not alleged to be anti-competitive, (ii) analysis of competition and competitors,
10 and (iii) information disclosing the type of data Valve collects and how Valve keeps it. Consistent
11 with the Court's prior guidance, Valve has attempted to narrow its sealing requests to only that
12 information necessary to prevent disclosure of confidential and damaging internal information. The
13 documents and references that contain the information that Valve seeks to seal are attached to my
14 declaration as **Appendix F**.

15 12. **Personally Identifiable Information:** Valve seeks to seal portions of documents
16 that contain PII such as names, phone numbers, email addresses, and mailing addresses, of Valve
17 employees, third parties, and Steam users. The documents and references that contain the PII that
18 Valve seeks to seal are attached to my declaration as **Appendix G**.

19 13. **Calculations of Market Size and Share:** Valve seeks to seal portions of
20 documents that contain information relating to the size of the alleged market and various industry
21 participants' share of that alleged market. Consistent with the Court's prior guidance, Valve seeks
22 sealing and redaction of only the dollar figures or percentages necessary to keep this type of
23 information confidential. The documents and references that contain the information that Valve
24 seeks to seal are attached to my declaration as **Appendix I**.

s/ Blake Marks-Dias
Blake Marks-Dias

**APPENDICES TO THE DECLARATION OF
BLAKE MARKS-DIAS IN SUPPORT OF VALVE'S
UNOPPOSED MOTION TO SEAL**

Appendix A
Requested Sealing/Redactions of Valve Financial Information

No relevant redactions

Appendix B
Requested Sealing/Redactions of Third-Party Financial Information

Langer Reply Report (Dkt. 338-1)

¶ 4

Appendix C
Requested Sealing/Redactions of Third-Party Proprietary Business
Information (third-party business, pricing & marketing strategy)

Daubert Reply (Dkt. 337)

3:1-8

Langer Reply Report (Dkt. 338-1)

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Exhibit 1

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Page 22

Appendix D
Requested Sealing/Redactions of Steam Partner Contracts and Related
Communications

No relevant redactions

Appendix E
Requested Sealing/Redactions of Steam Revenue Share Information

Daubert Reply (Dkt. 337)

3:7

4:8-13

Langer Reply Report (Dkt. 338-1)

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Exhibit 1

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Appendix F
Requested Sealing/Redactions of Valve Confidential Internal Strategy,
Analysis, and Information (matters not challenged as anti-competitive)

Langer Reply Report (Dkt. 338-1)

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Appendix G
Requested Sealing/Redactions of Personally Identifiable Information

Langer Reply Report (Dkt. 338-1)

n.61

Page 22

Appendix H
Requested Sealing/Redactions of Data Purchased from Third Party Data
Vendors Solely for Use in this Litigation

No relevant redactions

Appendix I
Requested Sealing/Redactions of Calculations of
Alleged Market Share and Size

Daubert Reply (Dkt. 337)

6:20

7:1-7

Langer Reply Report (Dkt. 338-1)

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